

CHAPTER 14

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14.00.00.00 - PROJECT CERTIFICATION

14.01.00.00 - INTRODUCTION

14.01.01.00 General

This chapter defines and describes the nature, uses, and procedures of R/W Certifications essential for project delivery. For purposes of this chapter, the term project certification refers specifically to the R/W Certification.

14.01.01.01 Definition

R/W Certification is a written statement summarizing the status of all right of way related matters pertaining to a proposed construction project. The purpose of the R/W Certification is to document the construction project is ready for advertising and states:

- Real property interests have been, or are being, secured.
- Physical obstructions including utilities and railroads have been or will be removed, relocated, or protected as required for construction, operation, and maintenance of the proposed project.
- Right of way acquisition and relocation assistance program requirements were conducted in accordance with applicable federal and state laws and procedures.

There are three levels of Certifications recognized by the Federal Highway Administration (FHWA) and four utilized by the State. The FHWA recognizes Certification levels 1, 2, and a (3) Work Around. A project may be advertised, bid proposals opened, and a contract awarded using these Certification levels. Additionally the State uses a Right of Way Certification #3. This level of Certification allows for the project to be advertised only, bids MAY NOT be opened. Criteria for using these Certifications can be found in Chapter 14.02.00.00.

14.01.02.00 Projects Requiring R/W Certification

The DDC-R/W must certify the following types of projects.

- Any construction project for which Plans, Specifications, and Estimates (PS&E) are submitted to the district/region or Headquarters Office of Office Engineer, referred to as Office Engineer or DOE/HQOE,) for contract advertisement and award.
- Any construction project where federal funds will participate in all or a portion of the cost of right of way acquisition or construction.
- Any construction project that is authorized for district/region contract advertisement and award.
- Any construction project to be undertaken by day labor, casual labor, or force account.

14.01.03.00 Projects Exempt From R/W Certification

Projects conducted solely for the purpose of emergency reopening of transportation facilities under authority of Government Code Sections 14120-23 are exempt from formal R/W Certification processes if no PS&Es are prepared.

14.01.04.00 Responsibility for R/W Certification

The DDC-R/W is responsible for Certification of the status of right of way to the Project Manager for project advertisement or contract award.

District/Region R/W confirms or rescinds Certification to the Project Manager, and district/region or Headquarters Office Engineer

All matters affecting the validity of a previously issued R/W Certification shall be brought to the attention of the Project Manager to determine the need to update or rescind the original Certification.

14.01.04.01 **Input to PMCS and IRWS**

On the date that district/region R/W certifies the project, the district/region shall enter the R/W Certification number and date into PMCS and IRWS (PMCS EVNT ADV Screen, IRWS PLNI & ACQ12, etc.).

14.01.04.02 **Certification Rescinded by District/Region**

When a district/region rescinds a R/W Certification, for reasons such as design changes prior to advertising or discovery of facts that otherwise make the certification invalid, it shall remove the Certification date from PMCS. The District/Region Project Manager, district/region or Headquarters Office Engineer, and FHWA, when necessary, shall be notified in writing that the R/W Certification has been rescinded.

14.01.04.03 **Project Canceled by Office Engineer**

When the district/region or Headquarters Office Engineer cancels a project, it will notify the DDC-R/W in writing. District/Region R/W shall rescind the R/W Certification, remove the Certification date from PMCS, and enter a new Certification target date (Month-Year) if necessary.

14.01.05.00 **Age of Certification**

For projects not yet listed for advertising, district/region R/W shall update any Certification over one year old, and when requested by the Project Manager or district/region or Headquarters Office Engineer. (See Section 14.01.08.00 also.)

14.01.06.00 **Unusual Project Circumstances**

"Unusual circumstances" are any deviations from the requirements or standard practices outlined in this chapter. When there are unusual circumstances in a project, the district/region shall forward a full explanation of the circumstances to HQ RW for approval prior to certification and at least one month prior to the project advertising date. The approval should be included in the Certification or in an attachment and made a part of the Certification.

14.01.07.00 **Modifications to R/W Certifications**

District/Region R/W shall not take action on verbal requests to alter significant factual data in a Certification until the Project Manager or the Office Engineer confirms the request in writing. The request must be attached to and made a part of the original Certification. Revised Certifications must have the word "Revised" clearly stamped and centered at the top of the front page.

14.01.08.00 **Project Design Changes**

A R/W Certification must be updated when the project design changes, even if the right of way requirements have not changed. In cases of design changes that affect right of way, the Project Manager should allow at least six months prior to the new scheduled project advertising date to assure timely clearance of the new Certification.

14.01.08.01 **Split and Combined Projects**

Occasionally a large project that has been certified under a single EA is split into several smaller projects, which are then advertised under separate EAs. In these cases a separate (and new) R/W Certification is required for each project EA. Two or more separately advertised projects shall not be combined in a single Certification. Each advertised project must have a separate Certification matching the specific project PS&E.

Conversely, when two projects are combined into one project for advertising and construction, a new R/W Certification must be prepared for the combined project being advertised. (See Section 14.03.02.00.)

14.01.09.00 **Local Public Agency (LPA) Work for State Project**

A construction project on a state highway may include work on LPA streets or roads where the LPA acquires some or all of the required right of way. This includes tax measure and privately funded projects (see Section 14.01.09.02). Those parcels the LPA acquires for the construction project on a state highway, or as part of the state's contract, must be included in the district/region's Certification. Any other applicable work done by an LPA must also be included, such as clearance, utility relocation, and relocation assistance. Complete documentation of the LPA acquisitions and Certification shall be retained in the district/region certification file.

14.01.09.01 **Certification for Local Streets and Roads Projects**

See R/W Manual Chapter 17 for Certification procedures for Local Streets and Roads projects with federal funding.

14.01.09.02 **Certification of Specially Funded Projects on State Highway System**

Government Code Section 14529.13 requires Caltrans to accept the completed project (tax measure, locally or privately funded) into the state highway system if the project was Caltrans approved and the right of way was acquired and the project was constructed in accordance with Caltrans' practices. (See R/W Manual Chapter 17 for details for Certification of this project type.)

14.01.10.00 **Certifications and Hazardous Waste**

Currently there is no requirement for R/W to certify the status of hazardous waste on a project. Typically Project Development's Attachment A in the PS&E package addresses and attests to the existence and mitigation of hazardous waste.

14.01.11.00 **Certification for Design/Build Projects**

R/W identifies candidate projects for design/build contracts at the estimating stage of project development (see Estimating Chapter 4). R/W can certify a project when design is complete and prior to construction. R/W may certify on any design/build project if all the following prerequisites are met.

- All proposed work shall be accomplished entirely within existing right of way (no acquisition of right of way, access control, or encroachment permits).
- Railroad operating facilities are not affected.
- Utility relocations are not required.
- No airspace leased properties or Caltrans facilities are in use.
- No relocation assistance requirements exist.
- No parcels require environmental mitigation.

These requirements do not preclude obtaining any desired Construction Permits or Permits To Enter And Construct, as long as these permits are consistent with provisions of Acquisition Chapter 8, Section 8.09.10.00, and Exhibit 8-EX-26 or 8-EX-27. These permits provide no permanent right to the state and may be used when the state would not condemn for the rights secured. Also, the above requirements do not preclude contractors from obtaining their own desired material and disposal sites, as long as mandatory sites are not required for the project.

When a project is selected for a design/build contract, R/W must coordinate closely throughout the design phase to assure that all R/W matters are addressed to conform with the design/build certification format (see Exhibit 14-EX-13). Design approval and R/W Certification should be concurrent.

To meet the requirements of 23 CFR 635.309 (c) (1), language will be added to the Special Provisions of all design/build contracts similar to the following:

"The project shall be designed and constructed entirely within existing State rights of way as shown on state Record Maps. It shall be the Contractor's responsibility to perform all necessary surveying to establish on-the-ground boundaries of State's right of way.

"The State will provide approximate locations of all known utility facilities within the project limits. The Contractor shall be responsible for accurately identifying and locating all utility facilities, and shall prepare structure and roadway plans in such a manner that all necessary footings, pilings, excavations and methods of construction shall avoid rearrangement of existing utility facilities.

"The Contractor shall adhere to all requirements specified in the Department's 'Policy on High and Low Risk Underground Facilities Within Highway Rights of Way.'

"No construction shall begin until Caltrans design approval and R/W Certification have been concurrently issued."

14.01.12.00 **R/W Certification File**

The district/regions shall maintain R/W Certification files containing pertinent documents related to the certification of a project, such as but not limited to:

- A diary for recording relevant information about the project.
- The project schedule, project design changes, and correspondence to and from Project Development and the Project Manager.
- Any necessary HQ RW and FHWA approvals of unusual project circumstances.
- All clearance documents from various R/W functional areas.
- The original Certification.

The R/W Certification file shall be transferred to the project file system immediately after the project is certified and the contract has been awarded.

14.01.12.01 **Project File System**

District/Region P&M shall maintain a project file system that contains at a minimum the following documents:

- R/W Data sheet.
- R/W Certification file containing the original R/W Certification.
- Title VI Survey Forms.
- Other project-related correspondence.

14.01.12.02 **Functional Clearances and Record Retention**

R/W functional clearances must be documented in the district/region R/W Certification files. The minimum requirement to certify a project is to obtain clearance memorandums from the utilities and railroads functions. Such clearances, together with the original R/W Certification and any pertinent correspondence, will be retained in accordance with the Department's Standardized Records Disposition Schedule for R/W project general files.

14.02.00.00 - CRITERIA FOR CERTIFICATION

14.02.01.00 Prerequisites

Prior to issuing a R/W Certification, district R/W should review the draft district PS&E and PS&E submittal report to confirm pertinent data. R/W Engineering staff normally perform this review, which includes such items as:

- Project identification (Co.-Rte.-KP-EA).
- Federal Aid Project Number.
- Location description.
- Work description.
- Special provisions relating to utility, railroad, and right of way clearance coordination.
- Confirmation that right of way construction contract obligations are properly included in the PS&E.
- Confirmation that the right of way as shown on the construction plans is consistent with district R/W records.

14.02.02.00 Timing of R/W Certification

14.02.02.01 Office Engineer

R/W Certifications should be included with the PS&E packages at the time of submittal or sent as soon as possible after receipt of the project PS&Es by Headquarters Office Engineer. In either case, the district Office Engineer should coordinate submittal of R/W Certifications to Headquarters. R/W Certifications sent to Headquarters Office Engineer after submittal of the PS&E package should be sent to the attention of the Scheduling Engineer.

A copy of the signed original district R/W Certification should be sent to the district Office Engineer no later than two months prior to the proposed advertising date. If Certification has not been received by the fifth week prior to the proposed advertising date, the project will not be listed for advertisement as scheduled unless prior arrangements have been made through the district or Headquarters Office Engineer to list the project as "Right of Way Due." Listing of projects for advertisement as R/W

Certification "due" will be used only in exceptional cases. When used, the district shall provide written assurance that the R/W Certification will be received by the Office Engineer on a date certain but not less than 15 working days prior to the scheduled advertising date.

In those exceptional cases where a project is advertised on a Certification No. 3, the Certification No. 1 or 2 must be received a minimum of 15 working days prior to the **bid opening** date. In those rare cases where a Special Certification No. 3 with Work-Around is used, an updated Special Certification No. 3 with Work-Around (dated and signed) shall be submitted to the O.E. no later than 15 working days prior to **bid opening**.

Any Certification containing events with completion or effective dates that occur after the Certification date but before the award date of the project construction contract shall be updated. These events include the effective date of any Rights of Entry, Orders for Possession, utility relocation completions, RAP vacations, etc. The updated Certification shall be distributed to the same individuals and offices as the original Certification.

14.02.02.02 FHWA

Where federal funding will be used in any portion of a project, the FHWA, Federal Transportation Engineer (T.E.) must have a Certification No. 1, 2, or a Right of Way Certification with a Work Around, (UPDATED* Special Certification No. 3 with Work-Around) in its possession a minimum of 15 working days prior to the FHWA "Authorization to Proceed" (concurrence and award) date. This authorization is given by the T.E. prior to the award of the construction contract. The HQ Budgets Program, Federal Aid Resources, is responsible to forward all required Certifications to FHWA.

<p>*Special Certifications #3 with a work around condition will require conceptual approvals through HQ R/W Program prior to use. See Section 14.02.07.00.</p>

14.02.03.00 **Criteria for R/W Certification**

Right of Way Certification formats can be found in Exhibits 14-EX-3 through 14-EX-10, and 14-EX-13.

14.02.03.01 **R/W Certification No. 1**

To certify the project under a Certification No. 1 (See Exhibit 14-EX3), the DDC-R/W must assure that the state has full legal and physical possession of all necessary rights of way , including control of access rights when pertinent and the right to remove, salvage, or demolish any improvements remaining on the right of way because:

- All work is within existing right of way acquired for a previous construction project, and all new work will be within that existing right of way; OR

Acquisitions are complete (escrows closed and/or Final Orders of Condemnation recorded); AND/OR

- There are effective Orders for Possession on **all** remaining unacquired parcels. AND All occupants have vacated the lands and improvements. AND
- Relocation assistance and payment requirements have been met. AND
- All necessary material and disposal sites have been secured. AND
- All R/W clearance, utility, and railroad work has been completed, or all necessary arrangements have been made (e.g., Utility Notices issued, demolition contracts awarded, and railroad contracts executed) for the work to be undertaken and completed as required for proper coordination with the physical construction schedules.

14.02.05.0 **R/W Certification No. 2**

Requirements for R/W Certification No. 2 (Exhibit 14-EX-3) are the same as for Certification No. 1 except the States' right to occupy and use one or more parcels are by virtue of effective Rights of Entry, or an Agreement for Possession and Use. Similar documents, such as a permit, license, or an approved R/W Contract with effective right of

possession date also require the use of a certification No. 2

14.02.05.00 **R/W Certification No. 3**

Certification No. 3 (Exhibit 14-EX-3 and 14-EX-7) may be used on a limited basis when believed to be in the public interest, and the CTC approves a Resolution of Necessity on all those parcels yet to be acquired. This exception must never become the rule.

Every R/W Certification No. 3 must be accompanied by memorandum from the district containing the information below, and a copy of this memorandum must be included in or attached to the Certification (also see Section 14.01.06.00).

- **Full justification** for using a Certification No. 3, including an outline of the very unusual circumstances that require early advertisement.
- **Full written explanation** of why the Certification is a No. 3 (rather than a No. 1 or No. 2) along with a realistic date when physical occupancy and use is anticipated and substantiation that such a date can be met.

The DDC-R/W shall consider very carefully whether a Certification No. 3 is really necessary for a specific project. Additional background to justify the Certification No. 3 may be requested from the Project Manager or whoever in the district is requesting R/W to certify the project. Justification might include reasons such as:

- Weather considerations.
- Construction windows.
- Source of funds (other than federal aid) to be lost.
- Construction dollar savings by earlier advertisement.

Requirements are the same as for Certification No. 1 except that legal possession or right of occupancy and use of a few remaining parcels is not complete. When Certification No. 3 is used, the Certification itself must contain the following additional information, as applicable:

- A statement that all remaining residential occupants have had replacement housing made available to them in accordance with R/W Manual Chapter 10, Relocation Assistance.
- A statement assuring that occupants of residences, businesses, farms, or nonprofit organizations who have not yet moved from the right of way are protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature.

NOTE: A statement as to these assurances and the date when the contractor may enter the affected property must also appear in the bid documents.

- Identification of each parcel on which legal possession, and/or right of occupancy and use, has not been obtained. Appropriate notification shall be provided in the bid documents identifying all locations where state's right of occupancy and use has not yet been obtained.
- Anticipated actual dates when legal possession and physical occupancy and use will be obtained with substantiation that such dates are realistic. A copy of the executed Order for Possession or Right of Entry may be attached to satisfy this requirement.

14.02.05.01 **Standard Usage**

The CTC Resolution of Necessity is the minimum requirement for a Certification No. 3. Although this is the minimum requirement, using Resolutions of Necessity to certify a project should occur only in exceptional circumstances, such as safety, emergency, or other similar work.

Exceptional use of a Certification No. 3 occurs when:

- Orders for Possession have been served but are not yet effective, and/or
- Rights of Entry, or Agreements for Possession and Use, have been executed but are not yet effective.

Thus, the date required in Section 14.02.06.01 above can be met without question only after an Order for Possession has been received, filed, and served or a Right of Entry has been signed.

Another use for a Certification No. 3 occurs when all parcels are acquired or have an effective Order for Possession or Right of Entry and all occupants have vacated but personal property remains on one or more parcels. In this case, the state has legal, but not physical, possession of the required right of way. The RAP section of the Certification No. 3 must provide an explanation of what personal property remains in the right of way, why it still remains, and how and when it will be removed.

Except for Special Certification No. 3W described IN Section 14.02.07.00 a project may be advertised, but bid proposals will not be opened until the Certification No. 3 has been raised to a No. 1 or 2. The anticipated date of legal and physical possession (see Section 14.02.06.01 above) is crucial because it is needed to set appropriate advertising, bid opening, and contract award dates.

In those exceptional cases where a project is advertised on a Certification No. 3, the Certification No. 1 or 2 must be received by the O.E. a minimum of 15 working days prior to the **bid opening** date.

14.02.06.00 **Special Certification No. 3 With Work-Around**

This special R/W Certification No. 3 (Exhibit 14-EX-9) may be used only in the most extraordinary circumstances. The district must show there is a critical need to advertise and award the project and describe in detail the extraordinary circumstances. If federal funds are involved in any portion of the project, including construction, conceptual approval of the work around must be obtained, by HQ RW from FHWA in advance of certifying the project for advertising..

This Certification will allow physical construction of a project to commence while occupants of residences, businesses, farms, or nonprofit organizations remain within the right of way. All occupants of residences must have had replacement housing made available to them in accordance with R/W Manual Chapter 10, Relocation Assistance.

When a district initially proposes to use this type of Certification, it must send a request memorandum to HQ R/W Project Delivery Office at least two full months prior to the required Certification date. The memorandum must explain the district's concept of how necessary arrangements can be made and the reasons why this type of Certification is needed. HQ

R/W will obtain FHWA's written approval as necessary.

A draft Certification (dated, but not signed) must be attached to the district's request memorandum. Approval to use this type of Certification No. 3 shall not be made unless the district can show substantial guarantees that vacation, possession, and clearance dates are completely realistic and enforceable.

When the approval memo is received from FHWA, the district will issue a signed Certification. Copies of the signed Special Certification No. 3 shall be sent to the Office Engineer in accordance with Section 14.02.02.01. A copy of FHWA's advance approval memorandum will be attached to and become part of the Certification. A copy of the Certification and FHWA's memorandum will be sent to HQ R/W, Project Delivery Office (see Exhibit 14-EX-12).

Although this Certification need **not** be raised to a Certification No. 1 or No. 2, an "Updated" Special Certification No. 3 with Work-Arounds (dated and signed) must be sent to the O.E. no later than 15 working days prior to bid opening.

14.02.06.01 R/W Clearance

Clearance work to be performed is listed on the R/W Certification as usual, except that occupied structures must be noted. Work-around times and how coordination with the contractor can be achieved must be explained in the Certification giving reasons therefor and approximate dates for clearance work and how it will be accomplished. (Also see Section 14.03.09.00.)

If **occupied, non-salvable** improvements are to be left in the right of way until they are vacated, it is preferable to include demolition in the highway construction contract. The resident engineer must be notified when the improvements have been vacated. Separate demolition contracts running concurrently with the highway contract **cannot** be used.

Appropriate notification shall be provided in the contract special provisions when clearance cannot be completed on **salvable** improvements prior to start of construction on the project. (Usually because it is not feasible or practical due to economy, remaining occupants, or special operational problems.) The R/W clearance work that others are to accomplish concurrently with the construction project must be clearly identified..

The State may sell salvable improvements in advance of vacation by the occupants. For example, the buyer of the improvements may be asked to agree to start removal of improvements with 10 days notice and to complete removal within a certain number of days. Adequate time must be included in the work-around provisions to allow for both vacation by occupants and removal of improvements.

If the construction contractor is to demolish or remove any **salvable** improvements, the district R/W Clearance section must follow all procedures in R/W Manual Chapter 12 regarding appropriate levels of approval. A copy of the approval memorandum must be attached to the R/W Certification. Inclusion in bid documents and notification of Resident Engineer as outlined above are also required.

14.02.06.02 Certification Statements

The following Certification statement is used on the initial submittal of a Special Certification No. 3:

"I hereby certify the right of way on this project as conforming to 23 CFR 635.309(c)(3). The project may be advertised at any time. Approvals are attached for the work-around. Appropriate notification has been included in the bid documents. An updated Special Certification No. 3 will be provided by (date) ."

The following Certification statement is used on the "Updated" Special Certification No. 3 required no later than 15 working days prior to bid opening:

"I hereby certify the right of way on this project as conforming to 23 CFR 635.309(c)(3). The project has been advertised and the contract may be awarded. Approvals are attached for the work-around. I have confirmed that all appropriate notifications have been included in the bid documents concerning said work-around."

14.02.07.00 R/W Certification Approval and Distribution

After the Certification is prepared in accordance with the current status of the property rights, it must be approved by the DDC for R/W or the delegated representative. RW will submit the original to Project Development and distribute copies of the Certification to the Certification file, the Office Engineer (HQ, district or region), the Design Engineer, and others as appropriate

14.02.07.01**Submitted With PS&E
Submittal**

The DDC-R/W shall:

- Deliver (address) the R/W Certification to the District Director, Attention DDC-Project Development, at the earliest date possible after receiving the request to certify the project, but no later than two months prior to the proposed advertising date. The R/W Certification is then attached to the PS&E submittal for delivery to the Office Engineer.
- Obtain HQ R/W advance approval for any deviation in the Certification requirements as set forth in Section 14.01.06.00.
- Obtain advance approval, through HQ R/W, for authority to issue a "Special Certification No. 3 with Work-Around" and secure concurrence, as necessary, from district Project Development and Construction.
- Coordinate with district Project Development concerning the status and expected delivery date of a Certification to meet tentative advertising dates.
- Report immediately to district Project Development any changes in the status and expected delivery date of a Certification that will affect the district's ability to meet the scheduled advertising date. Approval of and input into PMCS for Certification dates should be coordinated at this time.

NOTE: For the above two Items, a the R/W Project Coordinator should be responsible for reporting on the status of all projects nearing projected delivery dates to the Project Managers.

- Notify the DDC-Project Development, Project Manager, Headquarters Office Engineer, and the district Office Engineer, in writing that a Certification is rescinded or changed because of right of way reasons (see 14.01.04.02).
- Make arrangements with district Project Development to notify district R/W when a project is canceled.

When a Certification is revised, a R/W Certification No. 3 is elevated to a No. 1 or a No. 2, or the status

of a "Special Certification No. 3 with Work-Around" is updated, the district shall provide the following at least 15 working days prior to a bid opening.

- Facsimile a copy of the new executed Certification to Headquarters Office Engineer and deliver the Certification to the district Office Engineer.
- Provide district Project Development, Project Manager with a copy of the new executed Certification.
- Provide HQ R/W with a copy of the new executed Certification if they received the original..
- For projects that have been listed for advertising and include federal-aid RW or construction funds, provide two copies of the new executed Certification to either Headquarters Federal Resources or Headquarters Office of Local Programs, as appropriate. The DDC-R/W shall be responsible for determining which of these units should receive the Certification.

See Exhibit 14-EX-12 for R/W Certification approval, distribution, and time schedule.

14.02.07.02**Not Submitted With PS&E
Submittal**

If the initial R/W Certification cannot be prepared in time to accompany the PS&E submittal, the DDC-R/W shall provide written notification to the District Director, Attention DDC-Project Development, of the anticipated Certification level (No. 1, 2, 3, or 3 with Work-Around) and the realistically anticipated date of Certification delivery. This information is required in the PS&E submittal memorandum.

When the Certification is ready to be issued, the district should address it to the District Director, Attention DDC-Project Development, and facsimile a copy of the original Certification to the Office Engineer.

For projects where federal-aid construction funds are anticipated, and when the project appears on the "Projects Tentatively Proposed for Advertisement" list, and no later than 15 working days prior to the proposed advertising date, the district should provide two copies of the original Certification to either

Headquarters Federal Resources or Headquarters
Office of Local Programs, as appropriate.

See Exhibit 14-EX-12 for R/W Certification
approval, distribution, and time schedule.

14.03.00.00 - CERTIFICATION FORMAT/CONTENTS

14.03.01.00 R/W Certification Format

The method of Certification specified under 23 CFR, Part 635.309, Subpart C, entitled “Physical Construction Authorization” is applicable to all federal-aid construction projects. Non-federal participating projects are certified in the same manner as federal projects.

R/W Certification for all projects is made using the R/W Certification format shown in Exhibits 14-EX-3 through 14-EX-10 and 14-EX-13. Since the format contains specific wording required by FHWA, changes made in wording could invalidate the Certification. Any deviation from the format or the wording must be fully explained in the Certification and must be approved by HQ RW.

14.03.02.00 Description of Project Being Certified

The items in the R/W Certification listed below must match the construction project that is to be advertised.

- Phase 1 Project EA
- Federal Aid Project Number
- District-County-Route(s)
- Kilometer Post Limits
- Location Description
- Type of Work

This data is available in the District Status of Projects and from the PS&E, which will have the most current information. (Also see Sections 14.01.08.01 and 14.02.01.00.)

The Construction and R/W Federal Aid Project Numbers, if available, should be shown on the R/W Certification. If not available, the letters N/A should be shown. If it is verified that no construction or R/W federal-aid exists for the project, the word NONE should appear on the certification.

14.03.03.00 Required Right of Way

All property rights required for a project must be included in the R/W Certification. A state construction project may include work on local agency streets or roads where the local agency acquired some or all of the required right of way. Those parcels acquired by the local agency must be included in the Certification.

Parcels to be included in a R/W Certification include regular right of way parcels acquired by deed, Final Order of Condemnation, Order for Possession, or Right of Entry and licenses, permits, or other acquisition documents used by certain governmental entities. This section shall include a full explanation of the circumstances regarding the status of possession on each parcel where the state does not have full legal and physical possession by virtue of a recorded deed, recorded Final Order of Condemnation, or effective Order for Possession.

Temporary rights, such as temporary easements (whether parcels or sub-parcels) and Permits to Enter (or Enter & Construct), must also be listed in the Certification. It is important to include the expiration date of any temporary rights so they may be evaluated in terms of the final construction schedule.

14.03.04.00 Certification With Rights of Entry

Certifying a project totally, or where a majority of the parcels are under Rights of Entry, shall be avoided.

Rights of Entry shall not be obtained until after an appraisal has been completed and the initial offer of settlement has been presented to the owner.

Rights of Entry obtained prior to making the first written offer can be used only to certify control of right of way in emergency or other justifiable situations. If a district believes it is necessary to solicit a Right of Entry from an owner prior to completing the appraisal and making the first written offer, it must obtain the DDC-R/W's prior approval.

The DDC-R/W can approve all standard form Rights of Entry. All nonstandard form Rights of Entry shall be forwarded to HQ RW, Acquisition Office, for

approval. HQ RW will notify the district in writing of the acceptability of its request.

See Acquisition Chapter, Sections 8.09.09.00 and 8.09.09.01

14.03.05.00 **Status of Affected Railroad Operating Facilities**

This section of the R/W Certification is meant to cover operating property of railroads. The railroad determines which of their properties are operating and nonoperating. Acquisition of railroad property creates a parcel and is covered under Section 1 of the Certification, “Status of Required Right of Way.” And in Section 8.69.00.00.

The Office of Structures Design, Agreements Branch, is responsible for issuing a clearance memorandum (also see R/W Manual Chapter 4 and Exhibit 14-EX-10) to the Headquarters Office Engineer when all railroad matters have been resolved and the project can be advertised. The clearance memorandum forwards clauses required for the Contract Special Provisions, confirms that any required PUC authorization has been obtained for the project, and provides details of any Service Contracts and Construction and Maintenance Agreements with the railroads.

A copy of the clearance memorandum is sent to district R/W requesting that the District Railroad Agent insert the railroad clearance data into the PMCS AGRE Screen so it will print in the Agreements Column of the District Status of Projects.

The DDC-R/W usually should not provide Office Engineer or FHWA with an approved R/W Certification until the clearance memorandum has been received from Structures. If the clearance memorandum has not been received, however, the Certification shall indicate this fact.

The clearance memorandum is required for ANY project with railroad involvement that is advertised by district or Headquarters Office Engineer, even when a local agency makes the railroad arrangements.

The operating facilities of a railroad can be “affected” by a construction project in several ways, which would require a statement in this section of the Certification. (See Certification format for sample statements.)

14.03.05.01 **Service Contract (Clearance Memorandum Required)**

A Service Contract with the railroad is used where the railroad is paid to do some work. Caltrans may not perform any work within 0.61 m (2 feet) of either side of the tracks. Only railroad personnel can perform work in the track area. For example, the railroads maintain grade crossings.

14.03.05.02 **Clauses in Contract Special Provisions (Clearance Memorandum Required)**

Clauses are required in the Special Provisions as follows:

- **Construction work will be performed within the railroad operating right of way and within 7.62m (25 feet) of the track**—The railroad must be provided insurance, and clauses are required in the Special Provisions.
- **Work is done in the railroad operating right of way but more than 7.62m (25 feet) from the track**—The contractor is responsible for damages and clauses are required in the Special Provisions.
- **Work is done over or under a railroad facility in connection with construction of a grade separation structure**—The contractor must notify the railroad when work is to be done. Railroad protection clauses are required.
- **Work is done over or under an existing grade separation**—The Agreements Branch will determine if the railroad should be notified and if clauses are required.

NOTE: The clearance memorandum is required when any work is performed within the railroad's operating right of way, regardless of the actual distance from the railroad tracks.

14.03.05.03 **Rights of Entry**

A required right of entry is sometimes included in the railroad Construction and Maintenance Agreement. As a “required parcel,” it should be included in both Section 1 of the Certification Generally, rights of entry on railroad operating property are not **effective** until the Agreement has been fully executed.

14.03.06.00 **Material and Disposal Sites**

The R/W Certification should list all optional or mandatory material and disposal sites that require a state secured agreement and that will be made available for use for the project being certified.

On some projects, bidders are advised of available sites that have been previously tested and approved for use. Contractors make their own arrangements for use of such sites. These sites are NOT listed on the R/W Certification when the project does not require a state secured agreement with the site owner.

14.03.07.00 **Status of Required Utility Relocations**

A R/W Certification must not be issued until either there are no required utility relocations or, if there are, that:

- All utility work has been completed.

OR

- All utility work will be completed by a stated date prior to contract award.

OR

- All necessary arrangements have been made for remaining utility work to be undertaken and completed as required for proper coordination with construction. The Contract Special Provisions provide for the coordination.

AND

- Arrangements have been made with owners of all utility encroachments that will remain within the project right of way so adequate control of the right of way will be achieved.
- All notices to owner have been issued.
- Federal participation has been authorized, if applicable.

NOTE: 23 CFR 635.309(b) requires utility arrangements to be completed prior to project construction except where it is determined such work is not feasible or practical; e.g., due to economy or special operational problems. If relocation has not been completed, the relocation schedule must be

included in the R/W Certification and the Contract Special Provisions.

The R/W Certification shall include a listing by owner and type of all utility facilities located within the project right of way. For those in conflict with the project it shall also include:

- Notice number.
- Notice date.
- Company name.
- Liability - state's expense or owner's expense.
- A schedule for the utility relocation work.

The schedule shall indicate:

- Specific date owner has agreed to complete work, AND/OR
- Owner has agreed to concurrent completion of required relocation work that is to be coordinated with project construction, AND/OR
- Highway contractor will complete work as part of the highway contract. A bid item number should be included in the highway contract with an explanation of the conditions of the bid item and liability for the work. If the state has any liability, include percentage owner/state. If the utility relocation is eligible for federal participation, a signed copy of the Specific Authorization to Relocate Utilities memorandum must be attached to the R/W Certification. (See Utility Form RW 13-15.)

(Also refer to 23 CFR 645.119.)

14.03.08.00 **High and Low Risk
Underground Facilities**

A statement is **NOT** required in the R/W Certification on the status of High and Low Risk Underground Facilities within the construction project limits. Office of Project Planning and Design (OPPD) is responsible for administration of the High and Low Risk policy.

14.03.09.00 **R/W Clearance**

The R/W Certification requires one of the following statements:

- No improvements or obstructions were located within the project limits.
- All R/W clearance work has been completed, and no improvements or obstructions are remaining within the right of way area required for construction.
- All necessary arrangements have been made for remaining R/W clearance to be undertaken and completed as required for proper coordination with the construction schedule. (See Exhibit 14-EX-3.)

All improvements should be cleared from the right of way **prior to R/W Certification** by sale, R/W Clearance Contract, district forces, or Grantor(s) pursuant to R/W Contract agreement. When this is not possible, one or more of the following procedures will apply.

- **Remaining improvements will be removed prior to advertisement of the construction project**—Clearance contracts and sales agreements have been executed and firm dates established for completion of the work. Notification in the highway construction project bid documents is not required.
- **Remaining improvements will be removed prior to award of the construction project**—Clearance contracts and sales agreements have been executed and firm dates established for completion of the work. Notification to prospective bidders describing the location and nature of improvements that will (or may) remain after the advertising date but will be cleared prior to award of the construction contract **must** be provided in the bid documents

so bidders will know they are not to include clearance of these items in their bids.

- **Removal of remaining improvements will not be complete until some time after award of the construction contract**—Clearance contracts and sales agreements have been executed and the bid documents for the project contain appropriate notification of same with a date when clearance work will be complete. Notification **must** be included in the bid documents outlining locations, time periods, and coordination aspects that prospective bidders must consider in calculating their bids and to assure they are aware that they are **not** to include removal of these items in their bids.
- **Removal of remaining improvements will be included in the plans and special provisions of the construction contract**—This option should only be considered in exceptional situations because most project construction contractors charge inordinately high amounts for demolition and salvage work. The improvements also may be in the way of other construction work. It should be noted that salvable improvements and materials cannot be sold by the contractor within the construction project limits, thereby minimizing any potential salvage value.
- **Occupied improvements will remain within the right of way**—(See Sections 14.02.07.01 and 14.02.07.02.) This situation requires use of Special Certification No. 3 with Work-Around.
- **Salvable Improvements**—The state's policy is that salvable improvements be sold prior to project construction. An exception process is described in R/W Manual Chapter 11 requiring HQ RW Property Management's pre-approval. When salvable improvements are listed in the R/W Certification for removal by the construction contractor, a copy of the HQ RW pre-approval memorandum must be attached to the R/W Certification.

14.03.10.00 **Airspace Agreements**

If airspace agreements are in effect within the project limits, an explanation of any arrangements required

with the lessee must be included in the R/W Certification and the bid documents.

14.03.11.00 **Compliance With RAP Requirements**

This section provides assurances that all current policy and procedure requirements for relocation advisory assistance and payments have been followed. Detailed data on any remaining occupants and personal property is also provided in this section of the R/W Certification (see Exhibit 14-EX-3). (Also see requirements for Special Certification No. 3 with Work-Arounds.)

14.03.12.00 **Environmental Mitigation**

All R/W Certifications must address the status of any environmental mitigation on a project. This section describes the three status categories.

- No environmental mitigation parcels are required for the project.
- All environmental mitigation parcels on the project have been acquired.

- Acquisition of environmental mitigation parcels is ongoing. Explain acquisition status.

14.03.13.00 **Certification - Authorized Signature**

R/W Certifications are issued over the signature of the DDC-R/W or designee. The signature authority may be delegated provided it is in writing and a current copy of the delegation is on file with HQ RW.

NOTES:

CHAPTER 14

Project Certification Table Of Contents

EXHIBITS

<u>Exhibit No.</u>	<u>Title</u>
14-EX-1	23 CFR 635.309, Subpart C
14-EX-2	23 CFR 635.309, Subpart A
14-EX-3	Certification Format
14-EX-4	Sample Minimum Certification
14-EX-5	Sample Certification No. 1 "Subject to" Railroad Clearance Letter
14-EX-6	Sample Certification No. 2 With Various Involvements
14-EX-7	Sample Certification No. 3 With Various Involvements
14-EX-8	Sample Certification No. 3 With Required Temporary Easement
14-EX-9	Sample Special Certification No. 3 With Work-Around
14-EX-10	Sample Railroad Clearance Letter (From Office of Structures Special Projects - Agreements Section)
14-EX-11	(Reserved for future use)
14-EX-12	State & Local Programs Right of Way Certification Process - Flow Chart
14-EX-13	Design/Build Certification Format

23 CFR 635.309 - SUBPART C

Construction Authorization

SOURCE: 40 FR 17251, Apr. 18, 1975, unless otherwise noted.

Section 635.301 Purpose

To prescribe the policies and procedures under which a State highway agency may be authorized to advance a Federal-aid highway project to the physical construction stage.

Section 635.303 Applicability

The provisions of this subpart are applicable to all Federal-aid highway construction projects except projects constructed under an approved Certification Acceptance Plan.

Section 635.305 Physical Construction

For purposes of this subpart the physical construction of a project is considered to consist of the actual construction of the highway itself with its appurtenant facilities. It includes any removal, adjustment or demolition of buildings or major obstructions, and utility or railroad work that is a part of the contract for the physical construction.

Section 635.307 Coordination

- A. The right of way clearance, utility and railroad work are to be so coordinated with the physical construction that no unnecessary delay or cost for the physical construction will occur.
- B. All right of way clearance, utility and railroad work performed separately from the contract for the physical construction of the project are to be accomplished in accordance with provisions of the following:
 - 1. CFR, Part 140, Subpart I;
 - 2. CFR, Part 646, Subpart B;
 - 3. CFR, Part 713, Subpart A; and
 - 4. CFR, Part 645, Subpart A.[40 FR 17251, Apr. 18, 1975, as amended at 40 FR 25585, June 17, 1975]

Section 635.309 Authorization

Authorization to advertise the physical construction for bids or to proceed with force account construction thereof shall normally be issued as soon as, but not until, all of the following conditions have been met:

- A. The plans, specifications and estimates (PS&E) therefor have been approved.
- B. A statement is received from the State, either separately or combined with the information required by Section 635.309(c), that either all right of way clearance, utility and railroad work has been completed or that all necessary arrangements have been made for it to be undertaken and completed that the completion of such work in advance of the highway construction is not feasible or practical due to economy, special operational problems and the like, there shall be appropriate notification provided in the bid proposals identifying the right of way clearance, utility and railroad work which is to be underway concurrently with the highway construction.
- C. A statement is received from the State certifying that all individuals and families have been relocated to decent, safe and sanitary housing or the State has made available to relocatees adequate replacement housing in accordance with the provisions of the current Federal Highway Administration (FHWA) directive(s) covering the administration of the Highway Relocation Assistance Program and that one of the following has application:

1. All necessary rights of way, including control of access rights when pertinent, have been acquired including legal and physical possession. Trial or appeal of cases may be pending in court but legal possession has been obtained. There may be some improvements remaining on the right of way but all occupants have vacated the lands and improvements and the State has physical possession and the right to remove, salvage or demolish these improvements and enter on all land.
 2. Although all necessary rights of way have not been fully acquired, the right to occupy and to use all rights of way required for the proper execution of the project has been acquired. Trial or appeal of some parcels may be pending in court and on other parcels full legal possession has not been obtained but right of entry has been obtained, the occupants of all lands and improvements have vacated and the State has physical possession and right to remove, salvage or demolish these improvements.
 3. The acquisition or right of occupancy and use of a few remaining parcels is not complete, but all occupants of the residences on such parcels have had replacement housing made available to them in accordance with 49 CFR 25.204. The State may request authorization on this basis only in very unusual circumstances. This exception must never become the rule. Under these circumstances, advertisement for bids or force-account work may be authorized if FHWA finds that it will be in the public interest. The physical construction may then also proceed, but the State shall ensure that occupants of residences, businesses, farms or non-profit organizations who have not yet moved from the right of way are protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature. When the State requests authorization to advertise for bids and to proceed with physical construction where acquisition or right of occupancy and use of a few parcels has not been obtained, full explanation and reasons therefore including identification of each such parcel will be set forth in the State's request along with a realistic date when physical occupancy and use is anticipated as well as substantiation that such date is realistic. Appropriate notification shall be provided in the bid proposals identifying all locations where right of occupancy and use has not been obtained.
- D. The State highway agency in accordance with the provisions of 23 CFR 771.111(h), has submitted public hearing transcripts, certifications and reports pursuant to 23 U.S.C. 128.
- E. An affirmative finding of cost effectiveness or that an emergency exists has been made as required by 23 U.S.C. 112, when construction by some method other than contract based on competitive bidding is contemplated.
- F. Minimum wage rates determined by the Department of Labor in accordance with the provisions of 23 U.S.C. 113, are in effect and will not expire before the end of the period within which it can reasonably be expected that the contract will be awarded.
- G. A statement has been received that right of way has been acquired or will be acquired in accordance with the current FHWA directive(s) covering the acquisition of real property or that acquisition of right of way is not required.
- H. A statement has been received that the steps relative to relocation advisory assistance and payments as required by the current FHWA directive(s) covering the administration of the Highway Relocation Assistance Program have been taken, or that they are not required.
- I. The FHWA Division Administrator has determined that appropriate measures have been included in the PS&E in keeping with approved guidelines, for minimizing possible soil erosion and water pollution as a result of highway construction operations.
- J. The FHWA Division Administrator has determined that requirements of 23 CFR, Part 771 have been fulfilled and appropriate measures have been included in the PS&E to ensure that conditions and commitments made in the development of the project to mitigate environmental harm will be met.
- K. Where utility facilities are to use and occupy the right of way, the State has demonstrated to the satisfaction of the FHWA Division Administrator that the provisions of 23 CFR 645.119(b) have been fulfilled.

- L. The FHWA Division Administrator has verified the fact that adequate replacement housing is in place and has been made available to all affected persons.
- M. Where applicable, area wide agency review has been accomplished as required by 42 U.S.C. 3334 and 4231-4233.
- N. The FHWA Division Administrator has determined that the PS&E provide for the erection of only those information signs and traffic control devices that conform to the standards developed by the Secretary of Transportation or mandates of Federal law and do not include promotional or other informational signs regarding such matters as identification of public officials, contractors, organizational affiliations and related logos and symbols.
- O. The FHWA Division Administrator has determined that, where applicable, provisions are included in the PS&E that require the erection of funding source signs, for the life of the construction project, in accordance with Section 154 of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

[40 FR 17251, Apr. 18, 1975; 40 FR 36319, Aug. 20, 1975, as amended at 47 FR 47239, Oct. 25, 1982; 49 FR 28550, July 13, 1984; 50 FR 34093, Aug. 23, 1985; 52 FR 32669, Aug. 28, 1987; 52 FR 45173, Nov. 25, 1987; 53 FR 1921, Jan. 25, 1988]

23 CFR 635.309 - SUBPART A

Contract Procedures

Section 635.107 Advertising for Bids

- A. No work shall be undertaken on any Federal-aid project, nor shall any project be advertised for bids, prior to authorization thereof by the division administrator.
- B. An Invitation For Bids shall not be issued by the State highway agency until the provisions of the applicable FHWA regulations and directives covering the administration of the Highway Relocation Assistance Program have been met, and there exists an understanding that satisfactory traffic control devices will be installed prior to acceptance of the project. The advertising shall be done in accordance with the laws, specifications, regulations, and policies of the State in which the project is located and the applicable Federal requirements set forth in this subpart and those implementing Title VI of the Civil Rights Act of 1964, under conditions that will assure free and adequate competition.
- C. The advertisement must be available to bidders a minimum of three weeks prior to opening of bids except that shorter periods may be approved by the division administrator in special cases when justified.
- D. The State highway agency shall obtain the approval of the division administrator prior to issuing any addendum to the approved plans and specifications during the advertising period. The State highway agency shall provide such assurance as may be required by the division administrator that all bidders have received any such addendum.
- E. Bidding procedures on a nondiscriminatory basis shall be afforded to all qualified bidders regardless of State boundaries and without regard to race, color, sex or national origin. If any provisions of State laws, specifications, regulations, or policies may operate in any manner contrary to Federal requirements, including Title VI of the Civil Rights Act of 1964, to prevent submission of a bid, or prohibit consideration of a bid submitted by any responsible contractor appropriately qualified in accordance with Section 635.108, such provisions shall not be applicable to Federal-aid projects. Where such nonapplicable provisions exist, notices of advertising, specifications, special provisions or other governing documents shall include a positive statement to advise prospective bidders of those provisions that are not applicable.
- F. No procedure or requirement shall be imposed by any State in connection with any project which operates to restrict competitive bidding by discriminating against the purchase of a surety bond or insurance policy from any surety or insurer outside the State and authorized to do business in the State.
- G. No public agency shall be permitted to bid in competition, or to enter into subcontracts, with private contractors.
- H. In the event that Section 635.309(c)(1) and (2), have not been complied with prior to advertisement, the advertised specifications shall include:
 - 1. A statement that physical construction may proceed when authorization is granted, but the contractor will take no action that will result in unnecessary inconvenience, disproportionate injury or any action coercive in nature to occupants of residences, businesses, farms, or non-profit organizations who have not yet moved from the right of way.
 - 2. A statement concerning any acquired or unacquired parcels of right of way for which the lack of right of occupancy and use can be expected to interfere with construction operations;
 - 3. An estimate of the length of time such interference's can be expected to continue; and

4. A statement that extensions of time will be granted, if necessary, for delays caused by interference's beyond such estimate period.

I. The State highway agency shall include a statement substantially as follows in the advertised specifications:

Each bidder shall file a sworn statement executed by, or on behalf of the person, firm, association, or corporation submitting the bid, certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action, in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the State to administer oaths. The required form for the affidavit will be provided by the State to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

[39 FR 35152, Sept. 30, 1974, as amended at 40 FR 14906, Apr. 3, 1975; 40 FR 36319, Aug. 20, 1975; 49 FR 28550, July 13, 1984; 51 FR 27534, Aug. 1, 1986]

CERTIFICATION FORMAT

(Form #)

EXHIBIT

14-EX-3 (Rev. 6/99)

Page 1 of 3

ONLY THE PARAGRAPHS RELATING TO THE SPECIFIC PROJECT SHOULD BE USED**To:** (Name), District Director**Date:**Attention: District Division Chief
Project Development**File:** Dist.-Co.-Rte.-KP/PM: _____
EA (Design Phase No.): _____
Const. Fed-Aid No: _____¹
Right of Way Fed-Aid No. _____¹**From:** DEPARTMENT OF TRANSPORTATION - DISTRICT _____**Subject:** Right of Way Certification No. _____ for the project _____ (Location and Work
Description from District PS&E)

1. **STATUS OF REQUIRED RIGHT OF WAY:** The acquisition of right of way was not required. All work proposed is within existing right of way acquired for a previous construction project.

(OR)

1. **STATUS OF REQUIRED RIGHT OF WAY:** Right of way (has been) acquired in accordance with applicable policy and procedure covering the acquisition of real property. State (has) legal and physical possession and right to enter on all land as follows:

A. Total number of parcels required²1. Parcels acquired (escrow closed or Final Order of Condemnation recorded)³2. Parcels covered by Order for Possession.³**Parcel No.****Owner****Effective Date**3. Parcels covered by Right of Entry (RE)³**Parcel No.****Owner****Type**⁴**Effective Date****Date Funds Made
Available to Owner**⁵4. Parcels covered by a Right of Entry executed prior to appraisal⁶**Parcel No.****Owner****Effective Date**5. Parcels covered by Resolution of Necessity only.³

(Used only rarely in a Cert No. 3 situation where the project must be advertised, the Resolution of Necessity has been approved by the CTC, but the Order for Possession has not yet been served.)

Parcel No.**Owner****Anticipated OR Effective Date**6. Parcels covered by other acquisition documents as follows:³

Explanation: _____

NOTE: Items 1 through 6 should equal Line A.

1 Add these words to all Certs. Must insert number(s) or the word "NONE" for the R/W Fed-Aid No.

2 Parcels shown in Items 1-6 should total the number shown in Item A.

3 Detail should be added showing expiration dates with fixed termination dates, such as temporary easements.

4 Either RE or RC (possession clause in approved Right of Way Contract).

5 If no entry is made in this column, a full explanation is required.

6 Attach justification/approval from the DDC, Right of Way.

CERTIFICATION FORMAT (Cont'd)

(Form #)

EXHIBIT

14-EX-3 (Rev. 6/99)

B. Construction Permits, etc., required.

KP/PM	Owner	Type Document	Effective Date	Expiration Date
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2. **STATUS OF AFFECTED RAILROAD OPERATING FACILITIES:** None affected. (OR)
 Clearance letter has been received from Office of Structures. This project is now satisfactory for advertising insofar as the _____ Railroad is concerned. (OR)
 Clearance letter has not been received from the Office of Structures. (Explain the railroad involvement, e.g., Service Contract, clauses in Contract Special Provisions, etc., with the name of the railroad involved.) This Certification is subject to the clearance letter from the Office of Structures.
3. **MATERIAL/DISPOSAL SITE(S):** None required (OR)
 Commercial (OR)
 Optional site(s) secured as follows: (OR)
 Mandatory site(s) secured as follows:

Parcel Agreement No.	Owner	Document Date	Expiration Date
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4. **STATUS OF REQUIRED UTILITY RELOCATIONS:** None required (OR)
 All utility work has been completed. (OR)
 All utility work will be completed by a stated date prior to award of the contract (see schedule below). (OR)
 All necessary arrangements have been made for the completion of all remaining utility work required to be coordinated with project construction. Arrangements have been made with the owners of all utility encroachments which will remain within the right of way of the project so that adequate control of the right of way will be achieved. The special provisions in the contract provide for the coordination (see schedule below).
- Utility notices must have been issued. (AND) (when applicable)
 Federal approvals have been obtained. (AND) (when applicable)
 The following utilities are located within the project rights of way but require no relocation:

Company	Type/Facility
---------	---------------

(AND) (when applicable)

The following utilities are in conflict with the project and require relocation as follows:

Right of Way		Company	Liability (Owner/State)	Type of Facility	Relocation Schedule
Notice No.	Notice Date				

Date (OR) Concurrent with Construction (OR) Bid Item

Additional information required for each bid item (when applicable):

Bid Item No.	Type of Facility	Liability (Owner/State)	Federal Participation ⁷
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5. **RIGHT OF WAY CLEARANCE:** There are no improvements or obstructions located within the limits of this project. (OR)
 All right of way clearance work has been completed and there are no improvements or obstructions remaining within the right of way area required for construction. (OR)
 All necessary arrangements have been made for remaining right of way clearance work to be undertaken and completed as required for proper coordination with the construction schedule as follows:
- | Parcel No. | KP/PM | Description | Salvable/Non Salv. | Method of Disposal | Date Site Available to Const. Contractor |
|------------|-------|-------------|--------------------|--------------------|--|
|------------|-------|-------------|--------------------|--------------------|--|
6. **AIRSPACE AGREEMENTS:** There are no airspace lease properties within the limits of this project. (OR)
 All necessary arrangements have been made with airspace lessee(s) and/or in Contract Provisions to minimize conflicts between lessee's activities and contractor's operations. (OR)

⁷ If yes, a copy of Specific Authorization to Relocate Utilities memorandum must be attached. (See Form RW 13-15.)

Airspace lease (describe) has been canceled effective (date). **(OR)**
(Explanation of other disposition of airspace lease area.)

- 7. COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS:** Compliance was not required as there were no displacements for this project. **(OR)**

The project has no occupied parcels. (Except as explained below.)⁸ The State has complied with all the steps relative to relocation advisory assistance and payments as required by applicable policy and procedure, and no person has been required to relocate without at least 90 days written notice. If residential relocation was involved, all individuals and/or families have been relocated to decent, safe and sanitary housing, or the State has made replacement housing available to the relocatees.

Types of relocation involved on this project: ⁹ Personal property relocation **(AND)** residential relocation, **(AND)** business, farm, or nonprofit relocation.

Exceptions:

Occupants of residences, businesses, farms or nonprofit organizations who have not yet moved from the right of way will be protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature.

Parcel No.	KP/PM	Name of Occupant	Date to Vacate	Type Occupancy
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Explanation: (Describe the exceptions and the reason the R/W is not clear.)

- 8. COOPERATIVE AGREEMENTS** (Optional Entry): None Required. **(OR)** Agency Agreement No.

- 9. ENVIRONMENTAL MITIGATION:** No environmental mitigation parcels are required for this project. **(OR)**

All environmental mitigation parcels on the project have been acquired. **(OR)**

Acquisition of environmental mitigation parcels is ongoing. (Explanation.)

10. CERTIFICATION

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(1) **(OR)** (C)(2). The project may be advertised with contract award being made at any time. **(OR)**

I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3). The project may be advertised at any time. The project will be certified as conforming to Paragraph (C)(1) **(OR)** (C)(2) by (date). **(AND)**

(Explanation and reasons why a #3 certification is being used and substantiation that the Cert #1 or #2 date given above is realistic.) **(OR)**

"I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3). The project may be advertised at any time. Approvals are attached for the work-around. Appropriate notification has been included in the Bid Documents.

An updated Certification No. 3 will be provided by (date)." ¹⁰ **(OR)**

"I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3). The project has been advertised and the contract may be awarded. Approvals are attached for the work-around. I have confirmed that all appropriate notifications have been included in the Bid Documents concerning said work-around." ¹¹

District Division Chief - Right of Way

(or person authorized in writing to sign Certification)

c: District or Headquarters, Office Engineer/Attn: Scheduling Engineer
Headquarters, Program Manager, HQ R/W (Cert 3W only)

⁸ Remove words in parentheses if not applicable.

⁹ Enter only those types involved in the specific project.

¹⁰ Certification statement to be used on the initial submittal of Special Certification No. 3.

¹¹ Certification statement to be used on the updated Special Certification No. 3 required no later than 15 days prior to bid opening.

SAMPLE MINIMUM CERTIFICATION

14-EX-4 (Rev. 6/99)

(Form #)

To: (Name), District Director**Date:**Attention: District Division Chief
Project Development**File:** Dist.-Co.-Rte.-KP/PM: _____
EA (Design Phase No): _____
Const. Fed-Aid No: _____
Right of Way Fed-Aid No: _____**From:** DEPARTMENT OF TRANSPORTATION - DISTRICT _____**Subject:** Right of Way Certification No. 1 for the project in _____.

1. **STATUS OF REQUIRED RIGHT OF WAY:** The acquisition of right of way was not required. All work proposed is within existing right of way acquired for a previous construction project.
2. **STATUS OF AFFECTED RAILROAD OPERATING FACILITIES:** None affected.
3. **MATERIAL/DISPOSAL SITE(S):** None required.
4. **STATUS OF REQUIRED UTILITY RELOCATIONS:** None required.
5. **RIGHT OF WAY CLEARANCE:** There are no improvements or obstructions located within the limits of this project.
6. **AIRSPACE AGREEMENTS:** There are no airspace lease properties within the limits of this project.
7. **COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS:** Compliance was not required as there were no displacements for this project.
8. **ENVIRONMENTAL MITIGATION:** No environmental mitigation parcels are required for the project.
9. **CERTIFICATION:** I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(1). The project may be advertised with contract award being made at any time.

District Division Chief - Right of Way
(or person authorized in writing to sign Certification)

c: Headquarters, Office Engineer /Attn.: Scheduling Engineer

**SAMPLE CERTIFICATION NO. 1 "SUBJECT TO" RAILROAD
CLEARANCE LETTER**

(Form #)

To: (Name), District Director **Date:**

Attention: District Division Chief **File:** Dist.-Co.-Rte.-KP/PM: _____
 Project Development EA (Design Phase No.): _____
 Const. Fed-Aid No: _____
 Right of Way Fed-Aid No: _____

From: DEPARTMENT OF TRANSPORTATION - DISTRICT _____**Subject:** Right of Way Certification No. 1 for the Project in _____

1. **STATUS OF REQUIRED RIGHT OF WAY:** The acquisition of right of way was not required. All work proposed is within existing right of way acquired for a previous construction project.
2. **STATUS OF AFFECTED RAILROAD OPERATING FACILITIES:** Clearance letter has not been received from the Office of Structures. *The involvement with the Peanut County Transportation Company includes: a service contract to cover both the widening of the existing grade crossing (PUC No. B-615.5) and changing the crossing protection devices; insurance clauses in the Special Provisions; and the coordination of work clauses in the Special Provisions. PUC approval is also necessary.* This Certification is subject to the clearance letter from the Office of Structures.
3. **MATERIAL/DISPOSAL SITE(S):** None required.
4. **STATUS OF REQUIRED UTILITY RELOCATIONS:** None required. Arrangements have been made with the owners of all utility encroachments which will remain within the right of way of the project so that adequate control of the right of way will be achieved.

The following utilities are located within the project rights of way but require no relocation:

Company	Type of Facility
Dade County Water	Water
Western Sierra Municipal District	Sewer
California Water & Power	Electric

5. **RIGHT OF WAY CLEARANCE:** There are no improvements or obstructions located within the limits of this project.
6. **AIRSPACE AGREEMENTS:** There are no airspace lease properties within the limits of this project.
7. **COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS:** Compliance was not required as there were no displacements for this project.
8. **ENVIRONMENTAL MITIGATION:** No environmental mitigation parcels are required for the project.
9. **CERTIFICATION:** I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(1). The project may be advertised with contract award being made at any time.

District Division Chief - Right of Way
 (or person authorized in writing to sign Certification)

c: District or Headquarters, Office Engineer /Attn.: Scheduling Engineer

SAMPLE CERTIFICATION NO. 2 WITH VARIOUS INVOLVEMENTS

14-EX-6 (Rev. 6/99)

(Form #)

Page 1 of 2

To: (Name), District Director

Attention: District Division Chief
Project Development

Date:

File: Dist.-Co-Rte-KP/PM: _____
EA _____
Const. Fed-Aid No. _____
Right of Way Fed-Aid No. _____

From: DEPARTMENT OF TRANSPORTATION - DISTRICT _____

Subject: Right of Way Certification No. 2 for the Project in _____

1. STATUS OF REQUIRED RIGHT OF WAY: Right of way has been acquired in accordance with applicable policy and procedure covering the acquisition of real property. State has legal and physical possession and right to enter on all land as follows:

- A. Total number of parcels required 12
- 1) Parcel acquired (escrow closed or Final Order of Condemnation recorded) 4
- 2) Parcels covered by Right of Entry (RE) 2

Parcel No.	Owner	Type	Effective Date
4355	So. Pacific Trans. Co.	RE	02-1-88
4356	IBM	RE	03-1-88

Parcel 4355 - S.P.T.C: Right of Entry contained in executed C&M Agreement.

Parcel 4356 - IBM: IBM has been involved from the very beginning of development of this project. They are in full agreement with the transaction. The final documents for this transaction are being processed. However, due to IBM's large size and resulting slow corporate processing procedures, these final documents will not be received for some time.

- 3) Parcels covered by other acquisition documents as follows: 6

Parcel No.	Owner	Type	Effective Date
4353	Co. of Riverside	Permit 82-5-73	2-13-88
4354	City of Los Angeles	License*	1-1-88 to 1-1-90
4357, 4358, 4359	USFS	Special Use Permit	2-1-88
4360	U.S. Navy	License	1-15-88

* Parcel 4354 - City of Los Angeles. License was obtained now because it will take up to 24 months for the City to grant easement.

- B. Construction permits required: 2

KP/PM	Owner	Type Document	Effective Date	Expiration Date
3.0 (1.87)	B.C. Downs	Construction Permit	3-1-88	Completion of Construction
3.8 (2.35)	U.R. Graycee	"	3-1-88	"

2. STATUS OF AFFECTED RAILROAD OPERATING FACILITIES: Clearance letter has been received from Office of Structures. This project is now satisfactory for advertising insofar as the Southern Pacific Transportation Company is concerned.

3. MATERIAL/DISPOSAL SITES: Material sites - none required.
Disposal sites - Optional sites provided as follows:

SAMPLE CERTIFICATION NO. 2 WITH VARIOUS INVOLVEMENTS**(Cont'd)**

(Form #)

EXHIBIT

14-EX-6 (Rev. 6/99)

Page 2 of 2

Parcel Agreement No.	Owner	Document Date	Expiration Date
M/S#182	Bureau of Land Mgmt.	7-22-86	Perpetual Withdrawal
Pcl. 18388	Forest Aggregates	12-3-87	12-3-89

5. **STATUS OF REQUIRED UTILITY RELOCATIONS:** None required. Arrangements have been made with the owners of all utility encroachments which will remain within the right of way of the project so that adequate control of the right of way will be achieved.

The following utilities are located within the project rights of way but require no relocation:

Company	Type of Facility
Paramount County Water	Water
Western Sierra Municipal District	Sewer
California Water & Power	Electric

6. **RIGHT OF WAY CLEARANCE:** There are no improvements or obstructions remaining within the right of way area required for construction.
7. **AIRSPACE AGREEMENTS:** There are no airspace lease properties within the limits of this project.
8. **COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS:** The project has no occupied parcels. The State has complied with all the steps relative to relocation advisory assistance and payments as required by applicable policy and procedure, and no person has been required to relocate without at least 90 days written notice. If residential relocation was involved, all individuals and/or families have been relocated to decent, safe and sanitary housing, or the State has made replacement housing available to the relocatees.

Types of relocation involved on this project: Personal property relocation and Residential relocation.

9. **ENVIRONMENTAL MITIGATION:** All environmental mitigation parcels on the project have been acquired.
10. **CERTIFICATION:** I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(2). The project may be advertised with contract award being made at any time.

District Division Chief - Right of Way
(or person authorized in writing to sign Certification)

c: District or Headquarters, Office Engineer /Attn: Scheduling Engineer

SAMPLE CERTIFICATION NO. 3 WITH VARIOUS INVOLVEMENTS

(Form #)

To: (Name), District Director **Date:**

Attention: District Division Chief **File:** Dist.-Co.-Rte.-KP/PM: _____
 Project Development EA (Design Phase No): _____
 Right of Way Fed-Aid No: _____
 Const. Fed-Aid No.: _____

From: DEPARTMENT OF TRANSPORTATION - DISTRICT _____

Subject: Right of Way Certification No. 3 for the project in _____.

- 1. STATUS OF REQUIRED RIGHT OF WAY:** Right of way has been acquired in accordance with applicable policy and procedure covering the acquisition of real property. State has legal and physical possession and right to enter on all land as follows:

- A. Total number of parcels required **51**
 1) Parcel acquired (escrow closed or Final Order of Condemnation recorded) **47**
 2) Parcels covered by Order for Possession (OP) **3**

Parcel No.	Owner	Effective Date
23080	George Brown	11-13-94
23090	Capital Chevrolet	01-15-95
23094	Katie Smith, et al	02-30-95

- 3) Parcels covered by Right of Entry **1**

Parcel No.	Owner	Type	Effective Date
23096	George Smith, et ux	Poss. Clause in Appv'd RC*	3-1-95

- * Possession Clause in Right of Way Contract effective March 1, 1995. A settlement has been reached and Right of Way Contract executed and approved. A Right of Entry was included in the Right of Way Contract due to anticipated problems and length of time to get a reconveyance on trust deed encumbering property. Right of Way Contract is encumbered and escrow is fully funded. It is anticipated escrow will close on or before July 3, 1995.

- B. Construction permits required: 7

KP/PM	Owner	Type of Document	Effective Date	Expiration Date
12.7 (7.9)	Texaco, Inc	Permit to Enter	05-19-95	Completion of Construction
13.0 (8.1)	Sheridan	" " "	03-25-95	" " "
11.9 (7.4)	Goushen	" " "	05-01-95	" " "
12.4 (7.7)	Nord-West	" " "	02-01-95	" " "
13.0 (8.1)	Ostman	" " "	02-08-95	" " "
13.4 (8.3)	River City Park Property	" " "	02-26-95	" " "
15.0 (9.3)	Ryan	" " "	02-01-95	" " "

- 2. STATUS OF AFFECTED RAILROAD OPERATING FACILITIES:** None.

- 3. MATERIAL/DISPOSAL SITE(S):** None required.

- 4. STATUS OF REQUIRED UTILITY RELOCATIONS:** All necessary arrangements have been made for the completion of all remaining utility work required to be coordinated with project construction. Arrangements have been made with the owners of all utility encroachments which will remain within the right of way of the project so that adequate control of the right of way will be achieved. The special provisions in the contract provide for the coordination (see schedule below). Federal approvals have been obtained.

The following utilities are located within the project rights of way but require no relocation:

Company	Type Facility
Dakota County Water	Water
Western Sierra Municipal District	Sewer
California Water & Power	Electric

The following utilities are in conflict with the project and require relocation as follows:

R/W Notice No.	Notice Date	Company	Liability	Type Facility	Relocation Schedule
18-1484	11-15-94	Mountain Electric	Owner	Pole Line	Concurrent with construction
18-1486	11-15-94	Live Oak Water Co.	State	Water Line	Prior to 4-30-95
18-1501	12-06-94	Flat Land Gas Co.	Owner	Gas Line	By 5-1-95
18-1504	12-06-94	City of Hays	State	Sewer Line	Bid Item*

Additional information required for bid items:

<u>Bid Item No.</u>	<u>Type Facility</u>	<u>Liability</u>	<u>Federal Participation</u>
190	8 mm sewer line	State	Yes

Copy of Specific Authorization to Relocate Utilities memorandum attached.

5. **RIGHT OF WAY CLEARANCE:** All necessary arrangements have been made for remaining right of way clearance work to be undertaken and completed as required for proper coordination with the construction schedule as follows:

Parcel No.	KP/PM	Description	Salvable/ Non-Salvable	Method of Disposal	Date Available to Const. Contractor
24822	RT 1.1 (.7)	Carport	Salvable	Sale	4-30-95
21072	LT 1.2 (.8)	1-story building	Salvable	Owner to remove	4-15-95
71351	RT 2.0 (1.3)	Utility meters	Salvable	Relocate by utility co.	4-21-95
11449	LT 51.2 (31.8)	Adv. sign	Salvable	Sign co. to relocate	4-30-95
23088	48.OL(29.8)	*2 pumps	Non-Salvable	By const. contractor	Award of contract
23096	48.2L(29.9)	*house & outbuildings	Non-Salvable	By const. contractor	Award of contract
23098	48.25L(29.9)	*2 houses	Non-Salvable	By const. contractor	Award of contract

*Three houses, outbuildings and pumps are left for clearance by the construction contractor.

The houses and pumps are located within infected areas designated as "root rot areas" by biological consultants hired by Caltrans. The consultant's report stressed the point that vehicular and foot traffic should be kept to an absolute minimum to aid in the prevention of spreading the root rot fungus to uninfected areas. The District Project Engineer concurs with the findings of the consulting firm. We have on file letters from the FHWA and the District legal section expressing concurrence with the proposal to leave all improvements located in the root rot areas for either demolition or salvage by the highway contractor.

6. **AIRSPACE AGREEMENTS:** There are no airspace lease properties within the limits of this project.
7. **COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS:** The project has no occupied parcels except as explained below. The State has complied with all the steps relative to relocation advisory assistance and payments as required by applicable policy and procedure, and no person has been required to relocate without at least 90 days written notice. If residential relocation was involved, all individuals and/or families have been relocated to decent, safe, and sanitary housing, or the State has made replacement housing available to the relocatees.

Types of relocation involved on this project: Personal property relocation, residential relocation, and business, farm, or nonprofit relocation.

Exceptions:

Parcel No.	KP/PM	Name Occupant/Owner/Tenant	Date to Vacate	Type Occupancy
23083	1.9 (1.2)	Atkins (owner)	5-28-95	Bus.-Personal Prop.
23087	1.9 (1.2)	Maddock (owner)	5-28-95	Bus.-Personal Prop.

Explanation: The project has two occupied business parcels: Parcel 23083-Atkins and 23087-Maddock. There are no residential occupancies on either property nor are there any building improvements to be removed. Both properties are occupied by wholesale nursery operations and the personal property to be relocated consists of nursery stock in the ground (to be balled or containerized) and stock in containers.

We currently have agreements with the occupants of 23083 (Atkins) and 23087 (Maddock) that they will complete the move of their personal property by April 21, 1995. We intend to extend the date to May 28, 1995 by a second stipulation.

The occupants of both parcels were served with valid 90 day notices, the dates of which have now expired and they continue to occupy the parcels under extension agreements so that they will have the greatest amount of time possible to remove the nursery stock.

9. **ENVIRONMENTAL MITIGATION:** Acquisition of environmental mitigation parcels is ongoing. *Two parcels are currently in escrow which is scheduled to close prior to Certification. The third parcel is still being negotiated. The environmental document stipulated that the project may be certified once negotiations have begun.*
10. **CERTIFICATION:** I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3). The project may be advertised at any time. The project will be certified as conforming to paragraph (C)(1) by July 5, 1995.

District Division Chief - Right of Way

(or person authorized in writing to sign Certification)

c: District or Headquarters, Office Engineer - Attn: Scheduling Engineer

**SAMPLE CERTIFICATION NO. 3 WITH REQUIRED TEMPORARY
EASEMENT**

(Form #)

To: (Name) , District Director**Date:**Attention: District Division Chief
Project Development**File:** Dist.-Co.-Rte.-KP/PM _____
EA (Design Phase No): _____
Const. Fed-Aid No.: _____
Right of Way Fed-Aid No.: _____**From:** DEPARTMENT OF TRANSPORTATION - DISTRICT _____**Subject:** Right of Way Certification No. 3 for the Project in _____.

- 1. STATUS OF REQUIRED RIGHT OF WAY:** Right of way has been acquired in accordance with applicable policy and procedure covering the acquisition of real property. State has legal and physical possession and right to enter on all land as follows:

- A. Total number of parcels required 7
 1) Parcels acquired (escrow closed or Final Order of Condemnation recorded) 4
 2) Parcels covered by Order for Possession. 2

Parcel No.	Owner	Effective Date
027543	Homer Sisk	2-1-89
027526	John Homerick	9-12-89

- 3) Parcels covered by other acquisition document is as follows:

Parcel No.	Owner	Type	Effective Date	Expiration Date
027530	Betty Boop	Temp. Esmt.	8-1-89	8-1-92

- B. Construction permits, etc: 1

KP/PM	Owner	Type Document	Effective Date	Expiration Date
12.5/(7.8)	Grigg	Permit to Enter	6-1-89	6-1-92

- 2. STATUS OF AFFECTED RAILROAD OPERATING FACILITIES:** None affected.

- 3. MATERIAL/DISPOSAL SITE(S):** None required.

- 4. STATUS OF REQUIRED UTILITY RELOCATIONS:** All necessary arrangements have been made for the completion of all remaining utility work to be coordinated with project construction. Arrangements have been made with the owners of all utility encroachments which will remain within the right of way of the project so that adequate control of the right of way will be achieved. The special provisions in the contract provide for the coordination. (See schedule below.)

The following utilities are located within the project rights of way but require no relocation:

Company	Type of Facility
Porkpie County Water	Water
Western Sierra Municipal District	Sewer
California Water & Power	Electric

**SAMPLE CERTIFICATION NO. 3 WITH REQUIRED TEMPORARY
EASEMENT (Cont'd)**

(Form #)

EXHIBIT

14-EX-8 (Rev. 6/99)

Page 2 of 2

The following utilities are in conflict with the project and require relocation as follows:

Right of Way		Liability		Type of Facility	Relocation Schedule
Notice No.	Notice Date	Company	(Owner/State)		
1543.0	9-27-88	Paramount Gas Co.	S	Gas	5-3-89
1543.5	3-26-88	Calif. Water Serv. Co.	S	Water	Concurrent w/construction

6. **RIGHT OF WAY CLEARANCE:** All necessary arrangements have been made for remaining right of way clearance work to be undertaken and completed as required for proper coordination with the construction schedule as follows:

Parcel No.	KP/PM	Description	Salv./Non-Salv.	Method of Disposal	Date Avail. to Const. Contr.
027527	13.0 (8.1)	Sign Stand	Non-Salvable	By const. contractor	Award of contract

7. **AIRSPACE AGREEMENTS:** There are no airspace lease properties within the limits of this project.
8. **COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS:** Compliance was not required as there were no displacements for this project.
9. **ENVIRONMENTAL MITIGATION:** No environmental mitigation parcels are required for the project.
10. **CERTIFICATION:** I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3). The project may be advertised at any time. The project will be certified as conforming to paragraph (C)(1) by September 13, 1989.

District Division Chief - Right of Way
(or person authorized in writing to sign Certification)

c: District or Headquarters, Office Engineer - Attn: Scheduling Engineer

SAMPLE SPECIAL CERTIFICATION NO. 3 WITH WORK-AROUND

14-EX-9 (Rev. 6/99)

(Form #)

Page 1 of 3

To: (Name), District Director**Date:**Attention: District Division Chief
Project Development**File:** Dist.-Co.-Rte.-KP/PM: _____
EA (Design Phase No.): _____
Const. Fed-Aid No.: _____
Right of Way Fed-Aid No.: _____**From:** DEPARTMENT OF TRANSPORTATION - DISTRICT _____**Subject:** Right of Way Certification No. 3 with Work-Around for the Project in _____.

- 1. STATUS OF REQUIRED RIGHT OF WAY:** Right of way has been acquired in accordance with applicable policy and procedure covering the acquisition of real property. State has legal and physical possession and right to enter on all land as follows:

- A. Total number of parcels required 252
 1. Parcels acquired (escrow closed or Final Order of Condemnation recorded) 235
 2. Parcels covered by Order for Possession 8

Parcel No.	Owner	Effective Date
41009	Grant	10-15-84
41013	Bibb	10-20-84
41016	Bibb	10-20-84
41023	Easley	11-30-84
41034	Boyd	10-20-84
41686	Doyle	11-9-84
41687	Alex	11-15-84
46932	Martin	10-1-84

3. Parcels covered by Right of Entry **9**

Parcel No.	Owner	Type of RE	Effective Date
40999	Safeway Stores, Inc.	RE	12-1-84
41032	Western Title Ins. Co.	RE	12-1-84
41716	ATSF Railroad	RE	11-30-84
42860-2-3	Bio Rad, A Corp.	RE	10-1-84
43863	Safeway Stores, Inc	RE	11-1-84
43881	Jensen	Poss. Clause/Appv'd RC	12-1-84
46954	Southern Pacific Trans. Co.	RE	12-19-84
47888	University of California	RE	12-1-84
47889	Southern Pacific Trans. Co	RE	12-19-84

Parcels 40999 and 43863 - Safeway Stores, Inc. - Safeway Stores has been involved from the beginning of the development of this project and are in full agreement with the transaction. The final documents for this transaction are being processed; however, due to Safeway's large size and resulting slow corporate processing procedures, these final documents will not be received for some time.

Parcel 41032 - Western Title Ins. Co. - Western Title Insurance Company is in full agreement with this transaction. However, due to their large size and the fact that their corporate headquarters is located on the East Coast, these final documents will not be received for some time.

Parcel 41716 - ATSF Railroad - Right of Entry is included in the C&M Agreement.

Parcel 42860 - Bio Rad, A Corp. - Settlement on this parcel is pending resolution of highest and best use issue. Owner contends property could be used for commercial purposes while staff appraisal valued as residential. In an attempt to give owner every opportunity and consideration, a Right of Entry was used which allows owner to proceed with obtaining a formal decision from county.

Parcel 43881 - Jensen - Right of Entry in approved Right of Way Contract. A settlement has been reached and contract executed and approved. A Right of Entry was included in Right of Way Contract due to anticipated problems and length of time to get a reconveyance on trust deed encumbering property. Right of Way Contract is encumbered and escrow is fully funded. Escrow is expected to close on or before December 18, 1985.

Parcels 46954 and 47889 - So. Pacific Trans. Co. - Right of Entry is included in the C&M Agreement.

Parcel 47888 - University of California - Government agency. Processing time required will be lengthy.

2. **STATUS OF AFFECTED RAILROAD OPERATING FACILITIES:** Clearance letter dated May 24, 1985 has been received from Office of Structures. This project is now satisfactory for advertising insofar as the Southern Pacific Transportation Company and the Atchison, Topeka and Santa Fe Railroad are concerned.
3. **MATERIAL/DISPOSAL SITE(S):** None required.
4. **STATUS OF REQUIRED UTILITY RELOCATIONS:** All necessary arrangements have been made for remaining utility work to be undertaken and completed as required for proper coordination with the construction. Arrangements have been made with the owners of all utility encroachments which will remain within the right of way of the project so that adequate control of the right of way will be achieved. The special provisions in the contract provide for the coordination. (See schedule below.)

The following utilities are located within the project rights of way but require no relocation:

<u>Company</u>	<u>Type of Facility</u>
Peanut County Water	Water
Western Sierra Municipal District	Sewer
California Water & Power	Electric

The following utilities are in conflict with the project and require relocation as follows:

Right of Way					
Notice No.	Notice Date	Company	Liability	Type of Facility	Relocation Schedule
593.11	9-7-84	PG&E	Owner	Gas	Concurrent w/construction
593.12	10-16-84	PG&E	Owner/State	Gas	" "
593.21	11-30-84	PG&E	State	Electric	" "
593.31	9-5-84	Pacific Bell	Owner/State	Telephone	" "
593.41	9-28-84	Boxley Util. Dist	State	Water	8-30-85
592.51	7-10-84	SP Pipe Lines	Owner	Oil	7-15-85
593.81	11-29-84	Boxley Cable	Owner	TV Cable	7-5-85
593.61	5-9-85	City of Boxley	State	Sewer	Bid Item*

*Bid Item No.	Type of Facility	Liability (Owner/State)	Federal Participation
190	8mm sewer line	State	Yes

* Copy of Specific Authorization to Relocate Utilities memorandum attached.

5. **RIGHT OF WAY CLEARANCE:** All necessary arrangements have been made for remaining right of way clearance work to be undertaken and completed as required for proper coordination with the construction schedule as follows:

Parcel No.	KP/PM	Description	Salv./	Method of Disposal	Date Avail. to Const. Contr.
			Non-Salv.		
40871	8th/So. Ave.	Ad Sign	Salv.	By Ad Co.	7-20-85
41023	36th/So. Ave.	Ad Sign	Salv.	By Ad Co	7-20-85
40998	1434 So. Ave.	Safeway entrance bldg.	Non-Salv.	By Safeway	7-25-85
*41034	645 E. 36th	SFR	Non-Salv.	By Const. Contractor	12-20-85
43896	424/430 5th	Apt.	Salv.	Relocation	7-1-85

*Residential Occupant Work-Around until 12-20-85 (approval attached). Resident's new home being built will be ready for occupancy on 12-1-85. Builder has provided a \$10,000 bond guarantee that residence will be ready by that date. The Residential Engineer will be notified when occupant has vacated so that construction contractor can demolish.

- 6. AIRSPACE AGREEMENTS:** There are no lease properties within the limits of this project.
- 7. COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM:** The project has no occupied parcels except as explained below. The State has complied with all the steps relative to relocation advisory assistance and payments as required by applicable policy and procedure, and no person has been required to relocate without at least 90 days written notice. If residential relocation was involved, all individuals and/or families have been relocated to decent, safe and sanitary housing, or the State has made replacement housing available to them.

Occupants of the residences, businesses, farms or nonprofit organizations who have not yet moved from the right of way will be protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature.

Types of relocation involved on this project: Personal property relocation, (AND) residential relocation, (AND) business, farm or nonprofit relocation

Explanation:

Parcel No.	Location	Occupant	Date to Vacate	Type of Occupancy
*41013 and 41016	33rd/Hoffman	Bibb(Owner)	7-28-85	Bus.-Per.Prop.
**41034	645 E. 36th St.	Boyd(Owner)	12-1-85	Residential

* These parcels are covered by OP and Writ of Assistance. The personal property will be completely removed by 7-28-85. These are unimproved properties used for storage of equipment.

** Residential occupant to move into new home on 12-1-85.

- 8. COOPERATIVE AGREEMENTS:** None.
- 9. ENVIRONMENTAL MITIGATION:** Acquisition of environmental mitigation parcels is ongoing. The parcel required for mitigation will close escrow prior to the State's construction as required by the environmental document.
- 10. CERTIFICATION:** I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(3). The project may be advertised at any time. Approvals are attached for the work-around. Appropriate notification has been included in the Bid Documents. An updated Certification No. 3 with Work-Arounds will be provided by September 1, 1985.

The Certification No. 3 with Work-Arounds is required for this project because the delay in advertising required to fully clear the project would cause an estimated \$900,000 increase in the cost of construction due to inflation.

District Division Chief - Right of Way
(or person authorized in writing to sign Certification)

Attachments

- c: District or Headquarters, Office Engineer - Attn: Scheduling Engineer
Headquarters, Program Manager, HQ R/W - Attn: Project Delivery Liaison
-

**SAMPLE RAILROAD CLEARANCE LETTER FROM OFFICE OF
STRUCTURES SPECIAL PROJECTS - AGREEMENTS SECTION**

14-EX-10 (Rev. 8/99)

(Form #)

To: _____, Chief
Office of Office Engineer**Date:**

Attention: Scheduling Engineer

File: Dist. - Co. - Rte. - KP (P.M.)
EA (Design Phase No.)
Const. Fed-Aid

Right of Way Fed-Aid

From: **DEPARTMENT OF TRANSPORTATION**
Division of Structures**Subject:** Project Clear for RR

The original and two copies of railroad clauses are attached for insertion into the contract Special Provisions for the construction project described above. This job is now cleared for advertisement insofar as the Southern Pacific Transportation Company and the Public Utilities Commission are concerned.

The designated District Railroad Agent shall insert the project clearance date into the Agreements column of the District Status of Projects upon receipt of a copy of this memorandum.

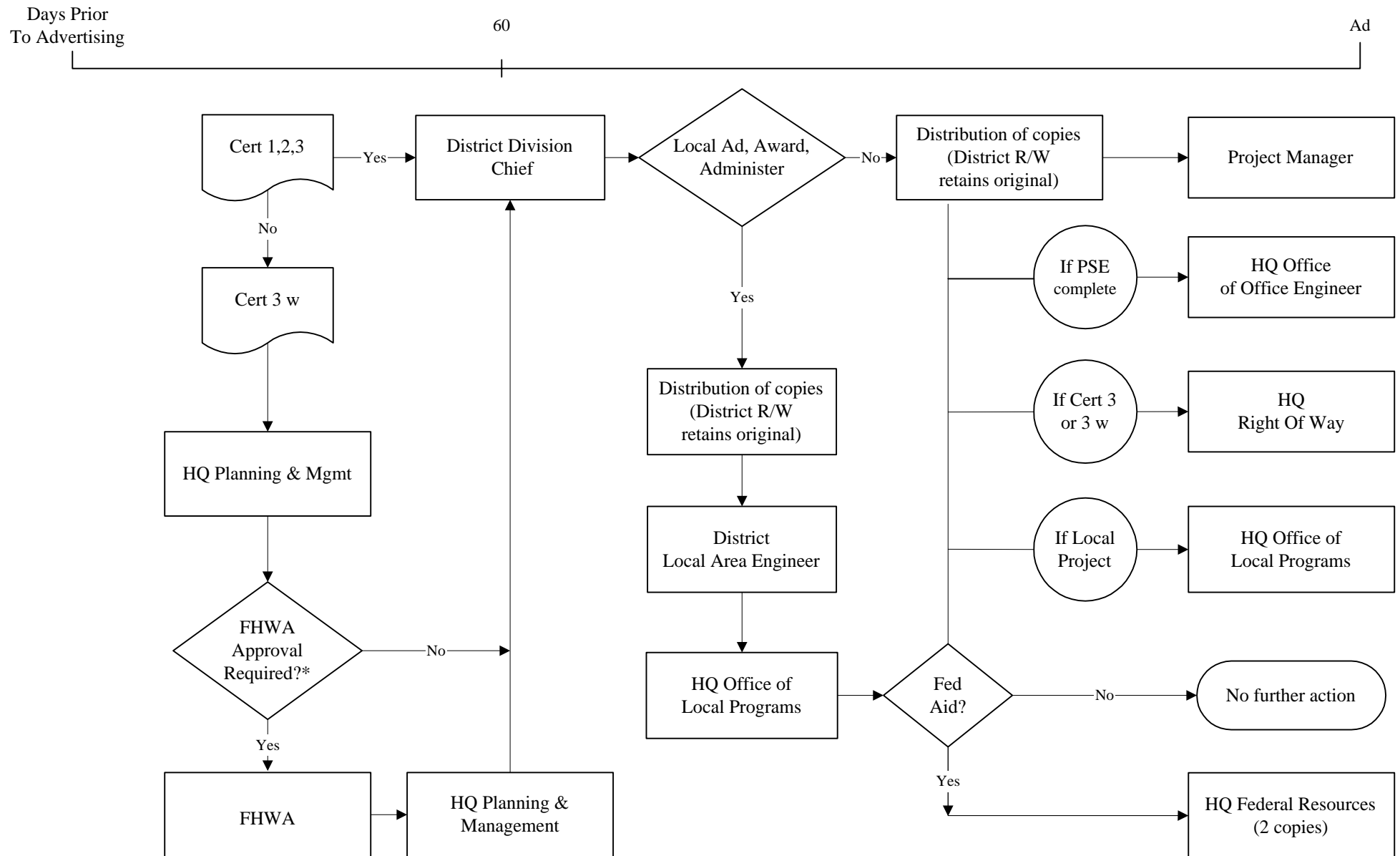
There will be no work by Railroad.

There will be no monetary contribution toward project by Railroad.

Agreements Engineer
Structures Program

Attachment

cc: District Director - Dist. #/Attn: RR Coordinator
Program Manager, RW&AM/Attn: RR Coordinator



*FHWA certification review and approvals will be sought by Headquarters (HQ) Planning and Management for "Non Exempt" projects as defined in the May 12, 1992 Stewardship agreement authorized by the Intermodal Surface Transportation Efficiency Act (ISTEA) 1991. Exempt Projects Include: Non-National Highway System (NHS), NHS less than \$1 Million, NHS 3R.

To: (Name) , District Director

Attention: District Division Chief
Project Development

Date:

File: Dist. - Co. - Rte. - KP (P.M.)
EA (Design Phase No.)
Const. Fed-Aid

No.: _____

Right of Way Fed-Aid

No.: _____

From: DEPARTMENT OF TRANSPORTATION - DISTRICT

Subject: Right of Way Certification No. 1 for the Project: (Location and Work Description from District PS&E)

1. **STATUS OF REQUIRED RIGHT OF WAY:** The acquisition of right of way was not required. All work proposed is within existing right of way acquired for a previous construction project.
 2. **STATUS OF AFFECTED RAILROAD OPERATING FACILITIES:** No railroad operating facilities are affected.
 3. **MATERIAL SITE(S):** None required.
 4. **DISPOSAL SITE(S):** None required.
 5. **STATUS OF REQUIRED UTILITY RELOCATIONS:** None required (**AND**)
 - A. Utilities are not located within the project rights of way (**OR**)
 - B. The following utilities are located within the project rights of way but require no relocation.

Utility Owner Name	Type of Facility
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6. **RIGHT OF WAY CLEARANCE:**
 - A. There were no improvements or obstructions located within the limits of this project (**OR**)
 - B. All necessary arrangements have been made for remaining right of way clearance work to be undertaken and completed by the highway contractor. Improvements or obstructions are as follows:

Parcel No.	Location (K.P.)	Improvement Description	Salvable/Non-Salvable
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7. **AIRSPACE AGREEMENTS:** There are no airspace lease properties or Caltrans facilities in use within the limits of this project.
8. **COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS:** Compliance was not required as there were no displacements for this project.
9. **COOPERATIVE AGREEMENTS:** None required.
10. **ENVIRONMENTAL MITIGATION:** No environmental mitigation parcels are required for this project.
11. **CERTIFICATION:** I hereby certify the right of way on this project as conforming to 23 CFR 635.309(C)(1).

District Division Chief - Right of Way
(or person authorized in writing to sign Certification)

cc: Headquarters, Office Engineer/Attn: Scheduling Engineer
